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7
8 IN THE UNITED STATES BANKRUPTCY COURT

9 DISTRICT OF NEVADA

10 In re:

11 PHILIP ANDREW MACKEN,
12 Debtor.

Case No. 23-50950-HLB

Chapter 13

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**EX-PARTE MOTION TO APPROVE
STIPULATION REGARDING
AMENDMENT TO SCHEDULING
ORDER AND PENDING DISCOVERY
DEADLINES RE DEBTOR'S
OBJECTION TO CLAIM 9 (DOC. 73)**

17 Judge: The Honorable Hilary L. Barnes

18 The Debtor, by and through his counsel undersigned, and the United States, by and
19 through its counsel undersigned hereby move the Court for an Order approving a Stipulation to
20 Amend the Amended Scheduling Order entered on May 15, 2025. In support of their request,
21 the parties represent as follows:

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- 23 1. Based upon the deadlines set in the Amended Scheduling Order, the parties agreed to
24 schedule the Debtor's depositions of RA Hamilton and RA Joanna Lyons on July 15,
25 2025 and July 16, 2025 respectively.
- 26 2. On July 11, 2025, counsel for the United States and counsel for Debtor met and
27 conferred regarding the availability of RA Hamilton and RA Lyons for the pending
28 depositions in Reno, Nevada.

- 1 3. Based upon the unavailability of either deponent, counsels' negotiations and
2 discussions with their clients, the parties hereby stipulate to amend the Amended
3 Scheduling Order as follows:
4 a. The Deposition of RA Lyons will be set upon agreement of the parties within
5 two months at the convenience of the parties;
6 b. If the IRS intends to offer the testimony of RA Hamilton in this adversary
7 proceeding, the Debtor will have the opportunity to notice his deposition;
8 c. The deadline for initial Expert Disclosures is extended to October 8, 2025;
9 d. The deadline for Rebuttal Expert Disclosures is extended to December 1,
10 2025;
11 e. The close of Discovery including all expert discovery is extended to January
12 12, 2026;
13 f. The Deadline to file dispositive motions is extended to February 20, 2026;
14 g. The parties will request the Court to set a status hearing at the Court's
15 convenience after the close of discovery on January 12, 2026.

16 Dated: July 21, 2025

/s/ Ken McIntosh

KEN MCINTOSH
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683
Washington, D.C. 20044

Counsel for the United States

21 Dated: July 22, 2025

/s/ J. Craig Demetras

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